

TODILTO

EXPLORATION AND DEVELOPMENT CORPORATION

G. WARNOCK
PRESIDENT

July 30, 1991

Mr. William J. Weis III
Emergency Response Section
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dear Sir:

We have your letter of July 15th and would reply as follows:

- 1) We are not a "PRP".
- 2) More importantly, there is no danger to the public health on either section 19 or 13. We know this because Todilto has recently completed a detailed uR/Hr. survey on 50 and 100 foot grid stations on the subject areas of Section 13 and is about one third complete on the section 19 survey. Readings were taken at both the correct one meter height above ground level and with the instrument resting on the ground for comparison.
- 3) You need to know that most of your high readings are not reproducible. This is probably due to two reasons:
 - a) Your readings were apparently taken with the instrument actually resting on an ore grade fragment rather than the designated one meter (waist high) above ground level.
 - b) Your people were apparently seeking out "Highs" even as small as ore fragments 4" to 6" in size which one can sit the instrument on and get a buzz in the 100-200 uR/Hr. range. Of course, since one can't find that size fragment the next time and the general average over 2500 square feet (50' by 50' grid) will be in the range of 10 to 50 uR/Hr., it just can't be reproduced.
- 4) Your exposure level of 180 (or 165 ?) uR/Hr. is grossly in error.
- 5) Todilto occupied the property for six years and over that period had the opportunity to observe the time/use pattern of the Vandevier's and their live stock. The DOE will be able to document for you the troubles we had with maintaining a fence between Section 13 and 18. It was cut and rebuilt about once a month (finally abandoned at our request to the DOE) because the once a month frequency was approximately the time sequence that they took their sheep and goats back and forth to sections 10 and 11.

- 6) During the 20 day period of July 9th through 27th there was no sighting of humans, animals, or their tracks on either section 19 or 13. While your 300 days, 2 hours a day time/use pattern may be a valid estimate for section 18, it is completely wrong in the case of sections 19 and 13.
- 7) Based on 5) and 6) above we can calculate the exposure limit as follows:

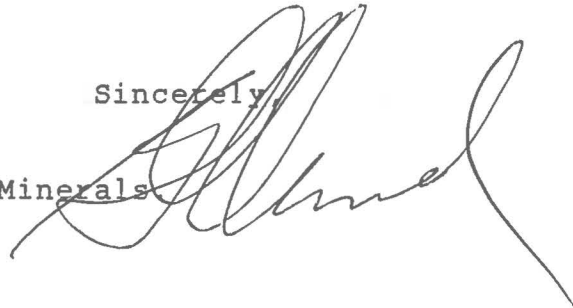
$$\begin{array}{rcl} 90,000 \text{ rem/yr.} & & \\ \hline 12 \text{ days} \times 2 \text{ hours} & = & 3,750 \text{ uR/Hr.} \end{array}$$

- 8) If one exaggerates the exposure limit to double , it is still 1,875 uR/Hr. and there is no single reading that high on either section - even measured incorrectly by placing the instrument on the ground. Thus, your 180 uR/Hr. is simply an incorrect assumption and completely invalid re the "risk" of living near the properties.

In closing I need to mention that based on a discussion with Brown Vandevier and his daughter on July 27, 1991, we are aware that He believes that by stirring up the IHS, He will get a new house out of this (hopefully on his side of the property line this time). If the EPA chooses to build him one, that's your decision. However, there clearly is no health danger caused by the mining operations on either section 19 or 13.

We no longer have an interest in section 19 but we do hold a valid lease on the DOE portion of section 13 which contains valuable ore reserves. To destroy these or block access to them would constitute a taking of a valuable asset and Todilto will take whatever legal action is called for if this occurs.

Sincerely,



GW/gbr
c/:Mr. Dick Zitting, Santa Fe Minerals
Mr. Robert Ivey, DOE
Senator Pete Dominici
Senator Jeff Bingamen
Representative Steve Schiff

EPAHAY1.LTR